

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL EDWIN MCLEMORE,)
)
)
Petitioner,) 8:18CV567
)
)
v.)
)
)
SCOTT R. FRAKES,) MEMORANDUM AND ORDER
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)
)
Respondent.)
)
)

There are a number of matters pending before me.

First, the “Motion to Produce,” Filing no. 32, will be denied. Initially, the progression order, e.g., Filing no. 22, prohibited discovery and required that any request to expand the record was required to state the specific reasons the documents are relevant to the cognizable claims and Respondent’s arguments. The Motion fails on both accounts. It is vague, ambiguous and requires me to speculate.

Second, the “Motion to Change Venue,” Filing no. 33, construed as a request that I recuse (disqualify) myself, is denied because it is frivolous.

Finally, Filing no. 35 is entitled “Petitioner’s Objections to Respondent’s Answer” The Clerk has docketed that matter as if it were a pending motion. That is in error. It will be construed as Petitioner’s responsive brief.

IT IS ORDERED that:

1. Filing no. 32 and Filing no. 33 are denied.

2. The Clerk shall terminate Filing no. 35 so that it does not show up on the pending motion list. It will, however, be considered as Petitioner's responsive brief as permitted by the progression order.

3. Respondent is reminded that he may file a reply brief on or before Wednesday, December 11, 2019, and if he elects not to file a reply brief, he should file a notice of such election.

DATED this 19th day of November, 2019.

BY THE COURT:

s/ *Richard G. Kopf*
Senior United States District Judge